

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl.Misc. No.29896-M of 2007

Date of Decision:- 19.07.2007

Nishat

....Petitioner(s)

through

Mr.H.S.Bhullar, Advocate

vs.

State of Punjab

....Respondent(s)

through

Mr.K.S.Pannu, AAG, Punjab.

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

- 1) Whether Reporters of the local papers may be allowed to see the judgment?
- 2) To be referred to the Reporters or not?
- 3) Whether the judgment should be reported in the Digest?

SURYA KANT, J. (ORAL)

The prayer in this petition is to release the petitioner on regular bail in case F.I.R.No.161 dated 25.7.2005 under Sections 302, 324, 34 IPC, registered at Police Station, Sadar Pathankot.

As per the allegations, when the complainant's son along with one Gurdev Singh, stopped the petitioner and his associates while they were going on motor-cycle and asked them as to why the loan instalments were not being paid, the petitioner allegedly took out a *Dagger* and attacked the complainant's son. The single blow given by the petitioner proved to be fatal as the young boy by the time he was rushed to the hospital, died.

It is stated by learned State counsel that out of twenty prosecution witnesses, five have already been examined and that the remaining witnesses shall be made available for their deposition on the date fixed.

Though it is contended on behalf of the petitioner that the two brothers of the petitioner, namely, Aman and Amit received 13 injuries each during the scuffle and that even if the allegations are accepted, the single blow caused by the petitioner might have been in self-defence, however, the manner in which the occurrence is alleged to have taken place, I am of the considered view that no case to extend the concession of bail is made out at this stage.

In view of the assurance given by learned State counsel, it is, however, directed that the learned trial Court shall make an endeavour to record the statements of as many as witnesses on the date fixed and thereafter to conclude the trial as early as possible, preferably on or before 31.3.2008.

July 19, 2007
poonam

(SURYA KANT)
JUDGE